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09/295,935	04/21/1999	POLLY STECYK	705397.15	7765

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ORRICK, HERRINGTON & SUTCLIFFE, LLP  
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EXAMINER
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SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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02/07/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/295,935

**Applicant(s)**

STECYK ET AL.

**Examiner**

Annan Q. Shang

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claim 1-46 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims 1-46, rejected under 35 U.S.C. 102(e) as being anticipated by **Casement et al (5,969,748)**, applicant amends claims, discusses the prior art of record and presents various argues distinguishing the differences between the prior art of record and the amended claim limitations (see page 15+ of Applicant's Remarks).

In response, Examiner notes Applicant's arguments/amendments, however, Casement teaches that when the user locks shows according to rating and/or content, all higher ratings are automatically locked (col.4, line 43-col.5, line 17), which implies that the user is able to view all programs with rating/content below the higher ratings level. Casement further teaches controlling desirable programs by rating, content and/or time and further allows a user to select specified time periods. Selecting one or two finite time periods, e.g., 5:00PM-7:00PM, 8:00PM-10:00PM, etc., also selects a various finite time periods. In other words the system inherently selects numerous finite time ranges to access and view desirable programs within a 24 hours, depending on the number of selected finite time range(s) and compares the reference time with one of the finite time ranges and when the reference time falls outside one of the finite time range, the user is allow to view the TV program without user input and further compares the selected content based specification (user defining rating) with the received content-based indicator (Rating of the EPG or Program schedule) to impaired the program

signal if the rating exceeds the content specification when reference time falls within the first finite time range specification. In other words when a parent selects a rating as PG-13 or any selected rating within a time period(s), only program contents rated PG-13 or any selected rating can be selected within the time interval(s). When a user selects a program on any channel the system compares the content rating of the program of the EPG with the pre-set rating of PG-13 within the time range(s). Hence the amendments do not overcome the prior art of record. The amendment to the claims necessitated the new ground(s) of rejection discussed below. **This office action is made final.**

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-46 are rejected under 35 U.S.C. 102(e) as being anticipated by **Casement et al (5,969,748).**

As to claims 1-12, note the **Casement** reference figs.1-2, discloses television schedule system with access control and further disclose a method of supervising

personal exposure to a consumer electronics device (User television Equipment 'User-TVE' 32) having a V-chip, the method comprising:

Receiving program signal (Receiving Locations 'RL' 16-22 receives data-streams via Distribution Center 'DC' 10, figs.1 and col.2, lines 56-67) suitable for conversion by the consumer electronics device (RL 16-22) into user discernible information; receiving a content-based indicator (Rating, col.3, lines 33-43) indicative of the content of the user discernible information and timing information (Interactive TV Schedule guide 'IPG' includes timing information and rating or subject matter category, col.3, lines 13-21 and lines 33-43) indicative of the reference time; note that RL 16-22 includes STB 38, VCR 32/36, TV 30/34, etc., (col.2, line 64-col.3, line 13) which receives the TV programs and rating information transmitted from DC-10 or Service Provider 40 via link 28, satellite, telephone, cable or any suitable communications path and stores or processes data on the fly;

Selecting a first content-based specification (User via Remote Control 'RC', to select desired Rating, col.3, line 44-col.4, line 24) and first finite time range specification, where the first finite time range specification is less than twenty-four hours in duration; selecting a second content-based specification different from the first content-based specification and second finite time range specification associated with the second content-based specification, where the second finite time range specification is less than twenty-four hours in duration and encompassing a different time range than first finite time range specification (user specified different time period(s) within 24 hrs, a week, etc., lock/unlock by time, etc., figs.2B-2E col.4, line 2-col.5, line 17) associated

with the selected content-based specification for each time period(s), RC 40 is used to perform the necessary user interaction to the IPG, such as locking/unlocking, blocking/unblocking or disabling/enabling subject matter category or objectionable material or adult programs and selecting specific time period(s); note that by selecting a first, second, etc., finite time range(s) the system inherently selects numerous finite time ranges to access and view desirable programs.

Comparing (RL 16-22 which inherently includes a Microprocessor 'MC', fig.3-4, col.4, line 25-col.5, line 17 and col.6, line 30-col.7, line 1+) the reference time with the first finite time range specification; allowing user review of user discernible information without user input and without comparison of the received content-based indicator with a content-based specification if the reference time is outside the first and second finite time range specifications (col.4, line 25-col.5, line 17 and col.6, line 30-col.7, line 1+);

Comparing (MC) the received content based indicator with the first content-based specification when the reference time falls within the first time range specification and with the second content-based specification when the reference time falls within the second finite time range specification;

and impairing (MC) the program signal if the received content-based indicator exceeds the content-based specification associated with the first time range specification when the reference time falls within the first time range specification (fig.3-4, col.3, lines 33-43, col.4, line 25-col.5, line 17 and col.6, line 30-col.7, line 1+), note that when a user locks shows according to rating and/or content, all higher ratings are automatically locked (col.4, line 43-col.5, line 17), which implies that the user see all

programs with rating/content below the higher ratings. Furthermore Casement teaches controlling desirable programs by rating, content and/or time, which implies that, selecting a finite time(s), e.g., 8:00PM-10:00PM also selects a second finite time 10PM-8PM. In other words the system inherently selects numerous finite time ranges to access and view desirable programs within a 24 hours, and compares the reference time with one of the finite time ranges and when the reference time falls outside one of the finite time range, the user is allow to view the TV program without user input and further compares the selected content based specification (user defining rating) with the received content-based indicator (Rating of the EPG or Program schedule) to impaired the program signal if the rating exceeds the content specification when reference time falls within the first finite time range specification.

As to claim 13, the claimed "a method of supervising the exposure to a consumer electronics device having a V-chip...comprising..." is composed of the same structural elements of rejected claim 1.

As to claim 14, Casement further discloses where the program signal, is impaired by scrambling the program signal (fig.3-4, col.4, line 25-col.5, line 17 and col.6, line 30-col.7, line 1+).

Claim 15 is met as previously discussed with respect to claim 1.

As to claim 16, Casement further discloses where the one or more selected time range specifications repeat for each day of a workweek (col.4, line 61-col.5, line 5 and col.6, lines 48-61).

Claims 17 and 18 are met as previously discussed with respect to claims 1-12

Claims 19-24 are met as previously discussed with respect to claims 1-12

As to claim 25, the claimed "a consumer electronics device having a V-chip...comprising..." is composed of the same structural elements of rejected claim 19.

As to claim 26, Casement further discloses TV 30/34 "an output device coupled to the signal impairment mechanism of VCR 32/36, STB 38 for transferring the program signal into the user discernible information (fig.1).

Claims 27-29 are met as previously discussed with respect to claims 1-12

As to claim 30, the claimed "a switch..." is met by MC of RL 16-22.

Claim 31 is met as previously discussed with respect to claim 26.

Claim 32 is met as previously discussed with respect to claims 27-28

Claim 33 is met as previously discussed with respect to claim 1

Claims 34-36 are met as previously discussed with respect to claims 1-12

Claims 37-39 are met as previously discussed with respect to claim 1.

Claims 40-41 are met as previously discussed with respect to claim 1.

Claims 42-46 are met as previously discussed with respect to claims 1-12

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

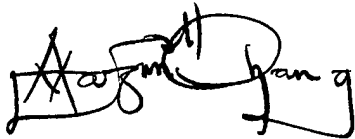
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at 866-217-9197 (toll-free). If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', with a stylized, cursive script.

**Annan Q. Shang**